

Call to Order:

The meeting was called to order at 7:34 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi (arrived at 7:40 p.m.), Joan Duff, John McDonnell (arrived at 7:44 p.m.), and associate member Mark Yanowitz; also present was Paul Materazzo, Director of Planning, Lisa Schwarz, Senior Planner, and Jacki Byerley, Planner.

Minutes:

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to approve the minutes for Feb. 9th, 23rd, Mar. 9th & Mar. 30, 2010. **Vote** Unanimous (4-0)

39-47 High Plain Rd:

The Board opened the discussion on an application by Scott Gibson for a 3-lot Preliminary Plan entitled 39-47 High Plain Rd. Chairman Salafia reviewed the Planning Board and Preliminary Plan procedures. Attorney Mark Johnson, representing the applicant, gave a GIS aerial photograph handout to the Board of the proposed location and noted two of the lots have existing dwellings on them. Jack McQuilkin of JM Associates, representing the applicant, gave an overview of the proposed project which included a 40' right-of-way, as shown on the plans, but is proposed to be an 18' driveway with porous pavement; also included in the overview were the utilities. It was noted there are wetlands but no work will be done within the 100' buffer zone. Attorney Johnson reviewed the access to the site and noted that the lot one driveway cuts across the roadway. He also noted that waivers from the roadway standards would be requested. Ms. Anderson asked if the proposed subdivision, as presented, would render all 3 lots as non-conforming. Attorney Johnson stated the applicant is aware they need relief from the Zoning Board Appeals for all three lots. Ms. Schwarz reviewed a letter from Preservation Commission, dated April 19, 2010, supporting the proposed plan and noted that the Zoning Board of Appeals asked the applicant to start the process with the Planning Board prior to filing with them. Mr. McQuilkin reviewed the proposed plan and noted that Parcel A will be retained by the owner, Mr. Gibson; he added that it could be potentially added to Lot 2. Ms. Anderson asked what Parcel A can be used for. Attorney Johnson noted Parcel A cannot be used for an accessory building. Ms. Schwarz reviewed her memo to the Board dated May 18, 2010, which included comments from the IDR, conducted on May 11, 2010. The Board discussed the proposed project and raised questions about the frontage requirements. Attorney Johnson noted that the roadway layout provides the frontage, and he reviewed his letter to the Board dated May 19, 2010. The Board discussed Attorney Johnson's letter and noted that, in order to waive design standards, full compliance with the rules and regulation must be shown, and a variance needs to be granted by the Zoning Board prior to Planning Board approval. Robert Slauzis, of 53 High Plain Road, handed out pictures of his property and a letter from a neighbor at 54 High Plain Road. Both abutters oppose the proposed project with concerns regarding privacy and negative impact to property values. Alan Jenney, of 57 High Plain Road, stated he was opposed to the proposed project. Martin Serrano, of 48 High Plain Road, expressed concern that the cul-de-sac could be built out; he is also opposed to the barn coming down. Attorney Johnson noted that it's not a through way and that the developer would not be opposed to a restriction stating the cul-de-sac cannot be built out. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to close the discussion an application by Scott Gibson for a 3-lot Preliminary Plan entitled 39-47 High Plain Rd. **Vote** Unanimous (5-0).

39-47 High Plain Rd (cont.):

On a motion by Ms. Anderson seconded by Ms. Duff the Board voted to disapprove the Preliminary Plan because the application as proposed fails to meet the standards of the Subdivision Rules and Regulations, the Zoning By-law, it does not have Board of Health approval, and the wetlands have not been flagged. **Vote** (4-0-1) Mr. Salafia, Mr. Chiozzi, Ms. Duff, and Ms. Anderson voting yes; and Mr. McDonnell abstained from voting.

Faith Lutheran Church:

The Board opened the discussion that was continued from the May 11th meeting on an application by Faith Lutheran Church of Andover, Inc. for a Site Plan Review for the construction of an addition to the existing facility located at 360 South Main Street. As a religious institution, this application is subject exemptions from local regulations, per the 'Dover Amendment' (MGL Chapter 40A Sec 3). Ms. Byerley reviewed her memo to the Board, dated May 21, 2010. Ms. Byerley noted that currently there are no stormwater facilities on site, and that is why the peer review has taken so long. It is her understanding that the Conservation Commission has closed the hearing and will vote on Phase I only. Ms. Byerley reviewed the parking plan dated May 7, 2010 submitted by Faith Lutheran, and DPW's comments dated May 18, 2010. Ms. Byerley asked the Board to consider the two outstanding issues as conditions. Ms. Anderson asked if the Board should condition their approval in phases, in light of the fact that the Planning Board is giving approval on items on which the Conservation Commission may withhold. Ms. Byerley stated she is recommending the Board approve the full set. The Conservation Commission is taking this position because it wants to make sure the stormwater is working properly before full build out takes place. Bernie Paquin of Dana F. Perkins, representing the applicant, noted that every phase of construction is under the jurisdiction of the Conservation Commission, and it is his understanding they will just have to go to Conservation for amendments for the Phases rather than re-filing.

On a motion by Ms. Anderson, seconded by Ms. Duff, the Board voted to close the discussion on an application by Faith Lutheran Church of Andover, Inc. for a Site Plan Review for the construction of an addition to the existing facility located at 360 South Main Street. **Vote** Unanimous (5-0)

Ms. Byerley reviewed the draft conditions outlined in her memo to the Board dated May 21, 2010. The Board agreed to continue their deliberations at the end of the meeting.

1-7 Main Street:

The Board opened the public hearings that were continued from the May 11th meeting on an application by Channel Building Company, representing the property owner R. Thomas Belhumeur, for a Special Permit for Major Non-Residential Project and a Special Permit for a Change in Parking Space Requirements. Lisa Schwarz reviewed her memo to the Board dated May, 21, 2010, as well as the revised grading plan and revised parking plan, both dated May 25, 2010. She also recapped the issues from the May 11th meeting. Rob Bramhall, of Rob Bramhall Architects, representing the applicant, reviewed the revised grading plan and noted they will make handicap accessibility ADA compliant internally throughout the building. Shawn Knightly, project manager with Channel Building Co., representing the applicant, reviewed the revised parking calculations, dated May 25, 2010, and noted there are a total of 560 parking spaces within 600' of the site. Several members of the Andover Business Center Association (ABCA) spoke in favor of the proposed project and noted there has never been a problem with parking in the downtown area. Mr. McDonnell stated that at the last meeting a resident

1-7 Main Street (cont.):

expressed concern that a 3rd story would be overbearing in that location. Mr. McDonnell solicited the opinions of the ABCA members in attendance. Peter Caruso stated it would not be detrimental to have a 3 story building in that location, and it would be good for the downtown as a whole. The owner of Casablanca Restaurant spoke in favor of the proposed project. The timeframe for completing the project is September. On a motion by Ms. Anderson seconded by Mr. McDonnell, the Board voted to close the public hearings on an application by Channel Building Company representing the property owner R. Thomas Belhumeur, for a Special Permit for Major Non-Residential Project and a Special Permit for a Change in Parking Space Requirements. **Vote** Unanimous (5-0);

Ms. Duff stated she was recusing herself from the Reynolds St. discussion and left the room after the vote.

Reynolds Street:

The Board took up the deliberations on an application by James and Bernadette Lyons requesting that the Board rescind the approval for the subdivision known as Reynolds Street. The Board reviewed Ms. Byerley's memo to the Board dated May 21, 2010. The Board discussed the merits of the petition and whether it should have been heard or denied as an incomplete application. Ms. Byerley noted that recessions follow the public hearing process. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to deny the application by James and Bernadette Lyons requesting rescission of the approval for the subdivision known as Reynolds Street. **Vote** Unanimous (4-0); It should be noted Ms. Duff returned to the meeting after the vote. **Vote** Unanimous (5-0)

Arbor Lane:

The Board took up deliberations on an application by Fieldstone Meadows Development Corp. for a Definitive Subdivision Plan and a Special Permit for Earth Movement entitled Arbor Lane located at Acorn Drive and Clark Road. On a motion by Ms. Anderson seconded by Mr. McDonnell, the Board voted to approve the applications for a Definitive Subdivision Plan and a Special Permit for Earth Movement entitled Arbor Lane subject to the 40 conditions in Ms. Byerley memo to the Board dated May 20, 2010. On a motion by Ms. Anderson seconded by Mr. Chiozzi, the Board voted to grant the waivers requested by the applicant from Section III.E.-Original Mylar and Section VI.D.-Sidewalk. **Vote** Unanimous (5-0)

Faith Lutheran Church:

The Board took up the deliberations on an application by Faith Lutheran Church of Andover, Inc. for a Site Plan Review for the construction of an addition to the existing facility located at 360 South Main Street. Ms. Anderson suggested continuing the deliberations until the Board can review the Conservation Commissions' Orders of Conditions.

1-7 Main Street:

The Board took up the deliberations on an application by Channel Building Company representing the property owner R. Thomas Belhumeur, for a Special Permit for Major Non-Residential Project and a Special Permit for a Change in Parking Space Requirements. Ms.

1-7 Main Street (cont.):

Schwarz reviewed the draft conditions and noted that condition # 2 required a date change of the plans to May 25, 2010. The Board reviewed the draft conditions. Mr. Chiozzi noted he would like a condition to wrap the entire building with staging, to protect pedestrians. The Board suggested adding a new condition # 11, which shall read: "Delivery and removal of dumpsters will occur at times deemed safe by the Inspector of Buildings and the Police Safety Officer"; adding a new condition #11 subsequently requires renumbering. The Board also added a new condition # 24, which shall read: "Throughout and during construction, the entire building shall be secured by staging and wrapping to prevent falling debris, unless otherwise approved by the Inspector of Buildings." The Board continued to review Ms. Schwarz draft conditions. Ms. Anderson expressed concern regarding condition # 13 limiting the developer to certain materials. The Board discussed the Design Review Board's (DRB) memo to the Board dated May 11, 2010 and the proposed conditions. Chairman Salafia reviewed the DRB process and the applicant's recourse. If the developer does not like the DRB's recommendation, the DRB's recommendation can be challenged. Mr. Chiozzi noted that the drawings submitted by the applicant to the Board did not generate any debate during the hearing process. Ms. Anderson expressed concern about the process with respect to the change in architects midstream during the review. She would like to be reassured that the applicant was not steered to a particular architect(s) as opposed to finding their own architect. On a motion by Ms. Anderson seconded by Mr. McDonnell, the Board voted to approve the applications by Channel Building Company representing the property owner R. Thomas Belhumeur, for a Special Permit for Major Non-Residential Project and a Special Permit for a Change in Parking Space Requirements located at 1-7 Main Street subject to the 27 conditions in Ms. Schwarz draft conditions with the following changes:

Add a new condition # 11, which shall read: "Delivery and removal of dumpsters will occur at times deemed safe by the Inspector of Buildings and the Police Safety Officer";

and subsequently renumbering

Add a new condition # 24, which shall read: "Throughout and during construction, the entire building shall be secured by staging and wrapping to prevent falling debris, unless otherwise approved by the Inspector of Buildings.";

and subsequent renumbering.

Vote Unanimous (5-0)

Other Business:

Mr. Materazzo updated the Board on the Town's Green Community designation and the new grant cycle starting July 1st.

He also updated the Board on Form Base Code and suggested the Board members to come in and review the documents prior to the June 8th meeting.

Adjournment: The Board voted to adjourn the meeting at 9:45 p.m.